

REMARKS

In section 4 of the Office Action, the Examiner rejected claims 44-47, 54-57, and 59-65 under 35 U.S.C. §103(a) as being unpatentable over the Britt patent in view of the Fuhrmann patent.

The Britt Patent - Figure 1 of the Britt patent shows a WebTV network having WebTV clients 1 coupled through a modem pool 2 to remote servers 4 via the Internet 3. The WebTV network also includes a WebTV server 5 that provides the WebTV services to the WebTV clients 1. Each of the WebTV clients 1 can connect remotely to the WebTV server 5 either through a direct telephone or ISDN connection or through the Internet 3 via the modem pool 2. The WebTV server 5 is illustrated in Figure 2 of the Britt patent.

Figure 3 of the Britt patent illustrates a WebTV client 1. The WebTV client 1 includes a WebTV box 10, a television set 12, and a remote control 11. The WebTV box 10 may be built into the television set 12 as an integral unit. The WebTV box 10 includes hardware and software for providing the user with a graphical user interface by which a user can gain access to the WebTV network so that the user can browse the Web, send e-mail, and otherwise access the Internet.

The WebTV client 1 uses the television set 12 as a video and audio display. The WebTV box 10 is coupled to the television set 12 by a link 6. The link 6 delivers audio and video to the television set 12. The remote control 11 is operated by the user in order to control the WebTV client 1 to browse the Web, send e-mail, and perform other Internet-related functions.

The WebTV box 10, as shown in Figure 5, includes application software 31 that operates in conjunction with operating system (OS) software 32. The WebTV server 5 transmits instructions to the WebTV client 1 in response to a message transmitted to the WebTV server 5 by the WebTV client 1. As the WebTV client 1 receives the instructions, the WebTV client 1 either stores the instructions for later execution or executes the instructions as they arrive.

Browser software in the WebTV box 10 can be upgraded or reconfigured by downloading replacement software or data to the WebTV box 10 from the WebTV server 5 via the Internet 3 or via remote direct phone connection. In addition, the WebTV box 10 can store various resources downloaded from the Web, such as Java applets (programs).

Replacement software or data is downloaded to correct an error in the program instructions or data. The WebTV client 1 determines whether a download should take place each time the WebTV client 1 is reset. A download is performed if, upon reset, the WebTV client 1 detects an error or, in the case of an upgrade, the WebTV client 1 finds a download request in memory.

The reset routine of Figure 6 is performed any time the WebTV client 1 is reset during operation or any time the WebTV box 10 is turned on. Accordingly, if all program instructions and data are valid, a normal start up is performed. On the other hand, if all program instructions and data are not valid (i.e., they contain an error), an error download routine is performed. In the error download routine, some or all of the corrupt information is replaced by correct information downloaded from the Internet 3.

Figure 7 illustrates a routine by which an upgrade of the Web browser is initiated. During a normal start-up (i.e., when no error is detected upon reset), the WebTV client 1 automatically connects to the WebTV server 5. If an upgrade is available from the WebTV server 5, and if the upgrade is mandatory, the WebTV server 5 sends a command to the WebTV client 1 to cause a

download request to be written into its memory. If the upgrade is not mandatory, the WebTV client 1 prompts the user to either accept or decline the upgrade. The WebTV client 1 is then commanded by the WebTV server 5 to reset according to the routine of Figure 6.

Figure 8 illustrates a portion of the normal start-up routine for initiating an upgrade. If a download request is not present in memory, the browser program is started normally. If a download request is present in memory, communication is established with the WebTV server 5, and the WebTV server 5 initiates downloading of the upgrade. If a default server is required for the upgrade download, the WebTV client 1 indicates to the default server which version of software it is currently running so that the default server can determine the proper default file to download to the WebTV client 1. The default upgrade is then downloaded.

In the case where an error is detected at the WebTV client 1, the WebTV client 1 requests the default upgrade from the default server. The WebTV client 1 indicates to the default server which version of software it is currently running, so that the default server can determine the proper default upgrade to download to the

WebTV client 1. The requested upgrade is then downloaded.

Independent claim 44 - Independent claim 44 is directed to a web television comprising a display, a tuner, an internet module, and a television controller. The tuner selects television video for display on the display. The internet module supplies internet video for display on the display, the internet video is derived from internet communications between the web television and internet content providers, and the internet module is programmed to execute a first software code. The television controller is coupled locally to the internet module, is separate from the internet module, and is computer based. The television controller controls the tuner. The television controller communicates with the internet module using a message format, the television controller is programmed to execute a second software code, and the television controller processes a message between the television controller and the internet module indicating identification of one of the first and second software codes.

Applicant's Argument - It is somewhat difficult to fully understand the Examiner's application of the Britt patent to independent claim 44 because the Examiner

does not use reference numerals from the Britt patent. However, as applicant understands the rejection, (i) the television set 12 of the WebTV client 1 is the display and tuner of independent claim 44, (ii) the WebTV box 10 of the WebTV client 1 is the internet module of independent claim 44 (see page 3 of the Office Action in which the Examiner refers to column 6, lines 26 and 27 of the Britt patent for a description of the execution of first software code by the Internet module), and (iii) the WebTV server 5 is the television controller of independent claim 44 (see page 4 of the Office Action, lines 3 and 4 in which the Examiner states that the server computer executes second software code).

However, this characterization of the Britt patent is not correct because independent claim 44 covers a web television and the Britt patent does not disclose a web television. To emphasize this difference, independent claim 44 has been amended to recite that the television controller controls the tuner of the television. There is no disclosure in the Britt patent that the WebTV server 5 controls the tuner of the television set 12 or any other tuner.

Moreover, even if the television set 12 has a microprocessor that controls its tuner, there is no

disclosure in the Britt patent that this microprocessor and the WebTV box 10 communicate with one another in the way required by independent claim 44.

Similarly, the Fuhrmann patent also does not disclose or suggest a web television that includes a television controller that is locally coupled to an internet module and that controls the tuner of the web television.

Accordingly, a combination of the Britt patent and the Fuhrmann patent does not disclose or suggest the invention of independent claim 44. Therefore, independent claim 44 is patentable over the Britt patent in view of the Fuhrmann patent.

Independent claim 60 is directed to a web television comprising a display, a television controller, a tuner, and an internet module. The tuner selects television video for display on the display under control of the television controller. The internet module is arranged to couple the television controller to the internet, the internet module is arranged to supply internet video for display on the display, the internet video is derived from internet communications between the web television and internet content providers, the television controller and the internet module are

arranged to communicate messages with one another, and one of the messages contains software identification information.

Applicant's Argument - It is also somewhat difficult to fully understand the Examiner's application of the Britt patent to independent claim 60 because the Examiner does not use reference numerals from the Britt patent. It does seem apparent that the Examiner has changed the application of the Britt patent from independent claim 44 to independent claim 60.

That is, in applying the Britt patent to independent claim 44, the Examiner seems to assert that the WebTV server 5 is the television controller and that the WebTV box 10 is the internet module, as discussed above. However, in applying the Britt patent to independent claim 60, the Examiner seems to assert that the WebTV box 10 is the television controller and the WebTV server 5 is the internet module because the WebTV server 5 couples the WebTV box 10 to the internet.

This characterization of the Britt patent is likewise not correct because independent claim 60 covers a web television, and the Britt patent does not disclose a web television. To emphasize this difference, independent claim 60 has been amended to recite that the

tuner selects television video for display on the display under control of the television controller. There is no disclosure in the Britt patent that the WebTV box 10 controls the tuner of the television set 12 or any other tuner.

Moreover, as discussed above, even if the television set 12 has a microprocessor that controls its tuner, there is no disclosure in the Britt patent that this microprocessor and the WebTV box 10 communicate with one another in the way required by independent claim 44.

Similarly, the Fuhrmann patent also does not disclose or suggest a web television in which a tuner selects television video for display on the display under control of a television controller, and an internet module couples the television controller to the internet.

Accordingly, a combination of the Britt patent and the Fuhrmann patent does not disclose or suggest the invention of independent claim 60. Therefore, independent claim 60 is patentable over the Britt patent in view of the Fuhrmann patent.

Because independent claims 44 and 60 are patentable over the Britt patent in view of the Fuhrmann patent, dependent claims 45-47, 54-57, 59, and 61-65 are

likewise patentable over the Britt patent in view of the Fuhrmann patent.

In rejecting dependent claim 58, the Examiner has applied no further cited art but merely relies on Official Notice. Applicants do not accede to this rejection. Applicants do point out, however, that dependent claim 58 is patentable over the Britt patent in view of the Fuhrmann patent because independent claim 44 is patentable over the Britt patent in view of the Fuhrmann patent.

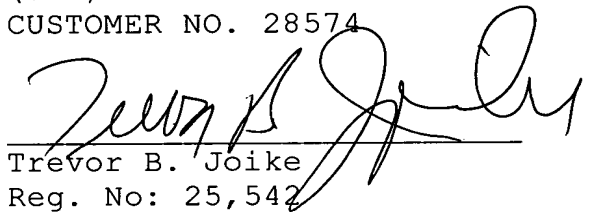
CONCLUSION

In view of the above, it is clear that the claims of the present application are patentable over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

Respectfully submitted,

SCHIFF HARDIN LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 258-5774
CUSTOMER NO. 28574

By:


Trevor B. Joice
Reg. No: 25,542

August 11, 2004